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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,183	04/11/2006	Stephan Maucher	GKNG 1268 PCT	3670
27256	7590	04/14/2008		
Dickinson Wright PLLC 38525 Woodward Avenue Suite 2000 Bloomfield Hills, MI 48304			EXAMINER BINDA, GREGORY JOHN	
			ART UNIT	PAPER NUMBER
			3679	
			MAIL DATE	DELIVERY MODE
			04/14/2008 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/563,183

**Applicant(s)**

MAUCHER ET AL.

**Examiner**

Greg Binda

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 8-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 8-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date 12/30/05.

*Drawings*

1. The drawings are objected to because;
  - a. The reference character L1 is used to identify an axis and reused to identify a length (see paragraph 0016).
  - b. The drawings fail to show the limitations in the last paragraph of claim 1. The drawings show the length L1 equal to, not greater than the length L2.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

3. The title of the invention is objected to because it includes the word "improved". See MPEP § 606.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 & 8-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hildebrandt, US 2002/0128079 in view of Ouchi, US 6,368,223. Fig. 1 of Hildebrandt shows a constant velocity joint in the form of counter-track joint comprising:

an outer joint part 12 comprising a first longitudinal axis as well as an attaching end and an aperture end which are positioned axially opposite one another, and first outer ball tracks 19<sub>1</sub> and second outer ball tracks 19<sub>2</sub>;

an inner joint part 14 comprising a second longitudinal axis and an attaching mechanism for a shaft pointing towards the aperture end of the outer joint part, and first inner ball tracks 20<sub>1</sub> and second inner ball tracks 20<sub>2</sub>, wherein the first outer ball tracks and the first inner ball tracks form first pairs of tracks which receive first balls 16<sub>1</sub>, and the second outer ball tracks and the second inner ball tracks form second pairs of tracks which receive second balls 16<sub>2</sub>; and

a ball cage 17 positioned between the outer joint part and the inner joint part and comprising circumferentially distributed first cage windows 26<sub>1</sub> each accommodating one of the first balls and second circumferentially distributed cage windows 26<sub>2</sub> each accommodating one of the second balls,

wherein, when the joint is in the aligned condition, the first pairs of tracks widen from the aperture end to the attaching end and, when the joint is in the aligned condition, the second pairs of tracks widen from the attaching end to the aperture end. Fig. 1 shows a flange face and a second aperture. Fig. 2 shows a joint base 57 and an attaching journal 58. In paragraph 0016, Hildebrandt discloses that the joint is assembled by first inserting the first balls 16<sub>1</sub> and then the second balls 16<sub>2</sub>. Hildebrandt does not expressly disclose make the circumferential length of the first cage windows greater than the circumferential length of the second cage windows.

Fig. 7 of Ouchi shows the circumferential length of the first cage windows 10a greater than the circumferential length of the second cage windows 10b. In col. 9, line 56-65, Ouchi teaches making the circumferential length of the first cage windows 10a greater than the circumferential length of the second cage windows 10b in order to improve the strength and durability of the cage. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the constant velocity joint of Hildebrandt by making the circumferential length of the first cage windows greater than the circumferential length of the second cage windows in order to improve the strength and durability of the cage as taught by Ouchi.

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Binda/  
Primary Examiner, Art Unit 3679